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PAGE 01 STATE 285841

14

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INFO OCT-01 NEA-10 ISO-00 MCT-01 JUSE-00 EUR-12 FBIE-00

SY-05 USSS-00 CIAE-00 INR-07 NSAE-00 PM-04 NSC-05

SP-02 SS-15 H-02 INRE-00 SSO-00 NSCE-00 PA-01 PRS-01

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FOR AMBASSADOR

E.O. 11652:N/A

TAGS:PFOR, PINT, US, US, IS

SUBJECT: TRIAL OF JEWISH DEFENSE LEAGUE LEADER WILLIAM PERL

1. FOLLOWING FOR YOUR BACKGROUND IS SUMMARY OF TRIAL AS OF NOVEMBER 19 PREPARED BY DEPARTMENT OF JUSTICE.

2. BEGIN TEXT. TRIAL IN THE CASE OF UNITED STATES V. WILLIAM R. PERL BEGAN IN BALTIMORE, MARYLAND, ON NOVEMBER 15, 1976. DR. PERL, A JEWISH DEFENSE LEAGUE (JDL) MEMBER, IS ALLEGED TO HAVE CONSPIRED AND ATTEMPTED TO DAMAGE PROPERTY OCCUPIED BY FOREIGN OFFICIALS IN VIOLATION OF TITLE 18, U.S. CODE, SECTION 970.

3. THE PROSECUTION'S CASE IS BASED SUBSTANTIALLY ON LIMITED OFFICIAL USE

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PAGE 02

STATE 285841

EVIDENCE PROVIDED BY REUVEN LEV-TOV, A FORMER ISRAELI CITIZEN AND ONCE A CHAUFFEUR FOR THE ISRAELI EMBASSY IN WASHINGTON, D.C. LEV-TOV HAS TESTIFIED THAT HE WAS SOLICITED BY PERL IN THE SPRING OF 1976 TO FIRE SHOTS THROUGH THE WINDOWS OF TWO APARTMENTS OCCUPIED BY SOVIET DIPLOMATS, AND THAT HE WAS SUPPLIED WITH A RIFLE FOR THAT PURPOSE. IN MAY, 1976, SHORTLY BEFORE THE SHOOTING WAS SCHEDULED TO OCCUR, LEV-TOV BEGAN TO HAVE RESERVATIONS ABOUT HIS INVOLVEMENT AND WENT TO THE ISRAELI EMBASSY TO SEEK GUID-

ANCE. THERE HE MET WITH A PERSON WHOM HE IDENTIFIES ONLY AS A SECURITY OFFICER NAMED URI.

4. ADDITIONAL EVIDENCE AT TRIAL INDICATES THAT FOLLOWING LEV-TOV'S MEETINGS WITH URI, AHRON TAMIR, CHIEF OF SECURITY FOR THE ISRAELI EMBASSY, CONTACTED THE FEDERAL BUREAU OF INVESTIGATION (FBI). SUBSEQUENTLY, TAMIR MET WITH THOMAS ARNETT, ASSISTANT SPECIAL AGENT IN CHARGE OF THE FBI'S WASHINGTON FIELD OFFICE, AND APPRISED HIM OF LEV-TOV'S APPROACH TO THE EMBASSY. AS A RESULT, LEV-TOV WAS REFERRED TO AND BEGAN COOPERATING WITH THE FBI. THIS LED DIRECTLY TO THE INDICTMENT AND ARREST OF PERL.

5. AT TRIAL, THE DEFENSE HAS NOT SOUGHT TO DENY PERL'S INVOLVEMENT IN THE SHOOTING PLOT. RATHER, IT HAS ALLEGED THAT HE WAS ENTRAPPED INTO SUCH INVOLVEMENT AND IS, THEREFORE, NOT LEGALLY CULPABLE. TO THIS END, THE DEFENSE DEPICTS PERL AS A DISCIPLE OF NON-VIOLENCE AND ALLEGES THAT LEV-TOV, REPRESENTING HIMSELF TO BE AN ISRAELI INTELLIGENCE AGENT, CAJOLED HIM INTO ASSISTING IN THE PLANNED CRIMINAL ACT. THE DEFENSE HAS FURTHER SUGGESTED THAT IF LEV-TOV WAS NOT, IN FACT, AN ISRAELI AGENT, THEN HE WAS ACTING AT THE BEHEST OF THE FBI WHICH ALLEGEDLY WAS FRUSTRATED AT BEING UNABLE TO DEVELOP DAMAGING INFORMATION AGAINST PERL IN THE PAST.

6. PERL'S ATTORNEYS HAVE ATTEMPTED TO SUPPORT THEIR ENTRAPMENT ARGUMENT BY INTRODUCING EVIDENCE INDICATING THAT THE ISRAELI EMBASSY DID NOT REFER LEV-TOV TO THE FBI AS HAD BEEN TESTIFIED TO BY BOTH LEV-TOV AND FBI AGENT ARNETT. THIS EVIDENCE IS IN THE FORM OF TESTIMONY

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PAGE 03

STATE 285841

BY A DEFENSE INVESTIGATOR NAMED MILLER. OVER THE PROSECUTION'S STRENUOUS OBJECTION, MILLER TESTIFIED THAT HE VISITED THE ISRAELI EMBASSY ON SEPTEMBER 29, 1976, AND MET WITH TAMIR IN PERSON. IN RESPONSE TO MILLER'S QUESTIONS CONCERNING LEV-TOV, TAMIR IS PURPORTED TO HAVE BECOME AGITATED AND TO HAVE SAID THAT HE HAS NEVER HEARD OF LEV-TOV, PERL, OR ANY PLOT TO FIRE SHOTS THROUGH THE WINDOWS OF RESIDENCES OF SOVIET DIPLOMATS.

7. THERE ARE TWO POSSIBLE IMPLICATIONS UNFAVORABLE TO THE PROSECUTION WHICH THE JURY MAY DRAW FROM THE EVIDENCE SUPPLIED BY MILLER. FIRST, IT MAY CONCLUDE THAT LEV-TOV WAS, IN FACT, AN ISRAELI AGENT, THAT THE FBI SOMEHOW BECAME AWARE OF HIS INVOLVEMENT IN THE PLANNED SHOOTING, THAT LEV-TOV THEN COOPERATED WITH THE FBI TO SAVE HIMSELF, AND THAT TAMIR DENIED KNOWING LEV-TOV TO AVOID HAVING THE LATTER'S RELATIONSHIP TO ISRAEL UNCOVERED. THIS POSSIBLE CONCLUSION IS BOLSTERED SOMEWHAT BY THE FACT TAMIR HAS

NOT BEEN MADE AVAILABLE TO TESTIFY, AND BY LEV-TOV'S ADMISSION, ON CROSS EXAMINATION, THAT HE HAS ON OCCASION IN THE PAST REPRESENTED HIMSELF TO BE AN ISRAELI INTELLIGENCE AGENT. IT IS ALSO SUPPORTED BY LEV-TOV'S TESTIMONY AT TRIAL THAT HE RECEIVED A TELEPHONE CALL ON NOVEMBER 12, 1976, FROM A MAN WHO SAID HE WAS CALLING FROM JERUSALEM AND STATED HE WAS AN ISRAELI INTELLIGENCE AGENT. THE MAN IS PURPORTED TO HAVE TOLD LEV-TOV THAT THE ISRAELI GOVERNMENT DOES NOT WANT PERL TO GO TO JAIL AND THAT LEV-TOV SHOULD DO WHAT HE COULD TO AVOID THAT. SECOND, IN THE ALTERNATIVE, THE JURY MAY CONCLUDE THAT TAMIR HAS, IN FACT, NEVER HEARD OF LEV-TOV, THAT LEV-TOV HAS NO RELATIONSHIP WITH THE ISRAELI GOVERNMENT, AND THAT HE IS SIMPLY AN FBI INFORMANT WHO WAS USED TO ENTRAP PERL. THIS IS SUPPORTED BY TAMIR'S PURPORTED DENIAL OF THE FBI'S ASSERTION THAT IT FIRST LEARNED OF LEV-TOV THROUGH THE ISRAELI EMBASSY.

8. IF THE JURY EMBRACES EITHER OF THESE POSSIBLE CONCLUSIONS, AN ACQUITTAL IS VIRTUALLY CERTAIN TO RESULT. ACCORDINGLY, PROSECUTING ATTORNEYS REPRESENTING THE UNITED STATES NOW BELIEVE THAT A CONVICTION IS EXTREMELY

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PAGE 04

STATE 285841

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UNLIKELY UNLESS THE STATEMENTS ATTRIBUTED TO TAMIR ARE
REBUTTED. FOR THIS PURPOSE, THEY URGENTLY NEED TAMIR'S
APPEARANCE AT TRIAL TO PROVIDE TESTIMONY ON THREE AREAS
OF INQUIRY: WHETHER LEV-TOV IS AN ISRAELI AGENT; WHETHER
LEV-TOV REPORTED HIS INVOLVEMENT WITH PERL IN A SHOOTING
PLOT TO THE ISRAELI EMBASSY; AND WHETHER TAMIR REPORTED
THE MATTER TO THE FBI. IT WOULD ALSO BE MOST HELPFUL TO
THE PROSECUTORS TO HAVE URI AVAILABLE TO TESTIFY CON-
CERNING LEV-TOV'S VISIT TO THE EMBASSY.

9. THE IMPORTANCE OF THIS CASE TRANSCENDS THE ISSUE OF
WHETHER DR. PERL IS PUNISHED FOR HIS ALLEGED CRIMINAL
ACTIVITY. INDEED, IN VIEW OF HIS AGE, IT IS EXTREMELY
UNLIKELY THAT HE WILL BE INCARCERATED IF HE IS CONVICTED.
WHAT IS IMPORTANT IS THAT HE BE CONVICTED SO THAT OTHER
PERSONS WHO CONTEMPLATE COMMITTING CRIMES AGAINST FOREIGN
OFFICIALS MAY BE DETERRED BY THE REALIZATION THAT THEY
CANNOT ESCAPE THE CONSEQUENCES OF THEIR CONDUCT. END
TEXT. KISSINGER

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